

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:08-CV-296-D

SABRINA KENON,

Plaintiff,

v.


N.C. DEPARTMENT OF CORRECTION,  
et al.,

Defendants.

**ORDER**

On March 13, 2009, the court heard oral argument concerning defendant North Carolina Department of Correction's ("DOC") motion to dismiss [D.E. 5]. The DOC contends that this court lacks subject-matter jurisdiction over plaintiff's Title VII sex discrimination claim because plaintiff allegedly failed to pursue state law remedies. See 42 U.S.C. § 2000e-5(c). For the reasons stated in open court, which are incorporated herein by reference, the court disagrees. The DOC's motion to dismiss [D.E. 5] is DENIED. See, e.g., Puryear v. County of Roanoke, 214 F.3d 514, 519-22 (4th Cir. 2000); Westry v. N.C. A&T State Univ., No. 1:01-CV-1129, 2002 WL 31769774, at \*2 & n.1 (M.D.N.C. Sept. 9, 2002) (unpublished); see also N.C. Gen. Stat. § 126-36.

SO ORDERED. This 13 day of March 2009.

  
JAMES C. DEVER III  
United States District Judge